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Groundbreaking Australian Symposium Tackles Gender and International Peacekeeping

A wide range of topics and views were on display last week at the *International Symposium on Peacekeeping in the Asia-Pacific: Gender Equality, Law and Collective Security*, held at Melbourne Law School (MLS) on Thursday and Friday, 19 – 20 April 2012.

With around 23 speakers from across Australia and the globe, the symposium reflected a broad range of knowledge and experiences — academic, legal, military and non-governmental.

The Centre for Gender Studies at the School of Oriental and African Studies (SOAS) at the University of London and the MLS Asia Pacific Centre for Military Law presented the symposium, while additional support came from the MLS, the UN Population Fund (UNFPA) and the British Academy. MLS Professor Dianne Otto acted as co-convener with Dr Gina Heathcote from SOAS.

According to the event organisers, the symposium was the first scholarly Australian foray into the theme, coinciding the Australian Government's launch of "the Australian National Action Plan on Women, Peace and Security 2012-2018" on International Women's Day, 8 March 2012.

The spectrum of topics included feminist perspectives on UN peacekeeping operations and the role of women in military and peace building operations.

And Friday's plenary lecture "'Networks of Hope': Engaging Local Women's Networks in Peacebuilding", given by Australian National University Professor Hilary Charlesworth, whose talk focused on the prominent role of women in liberating East Timor, and the fight to gain a political voice in independent East Timor today.

University of Adelaide Professors Judith Gardam and Captain Dale Stephens concluded the symposium and provided high praise for the symposium, which was, in Stephens' words, "a very engaging smorgasbord of views". Professor Gardam also noted the symposium's "diversity of speakers".

Professor Otto said that she was impressed with the number of submissions the symposium received and the event's attendance.

"We added three new presenters as of last Monday", Otto said, noting that initial plans had been for a day-long symposium. "Now we have a day and a half of panels and talks".

More information on the symposium, including abstracts and the program, are available on the MLS website.

Dean R. P. Edwards

Sodomy Law

The common law, with its promise of habeas corpus, jury trials and other civil liberties, is for many people a worthy legacy of the British Empire. A less glorious legal inheritance of the empire is the criminalisation of consensual homosexual conduct between adult men, and often between adult women, a fact of life in about 40 former British colonies around the world.

The first colonial 'sodomy law' integrated into a penal code was Section 377 of the Indian Penal Code. This provision, more than 150 years old and imposed by the colonial government during the time of the Raj, punishes 'carnal intercourse against the order of nature with any man, woman or animal' with imprisonment up to life.

The statute became a model anti-sodomy law for countries far beyond the subcontinent. Today, 41 of the 54 nations in the Commonwealth maintain laws against homosexual acts.

It was as the Empire was winding down, in 1957, that the UK's Wolfenden Report urged that 'homosexual behaviour between consenting adults in private should no longer be a criminal offence'. The report stated that 'it is not, in our view, the function of the law to intervene in the private life of citizens, or to seek to enforce any particular pattern of behaviour'.

But when England and Wales decriminalised most consensual homosexual conduct in 1967, it was too late for most of Britain's colonies. They had won independence in the 1950s and 1960s, with sodomy laws still in place. And they have shown little appetite for casting aside this relic of the Empire.

After much debate, Singapore's government refused to rid itself of its colonial law against homosexual conduct in 2007. Nigeria's President Obasanjo announced in 2004 that 'homosexual practice' was 'unnatural, and definitely un-African'. And in 1983 India's Supreme Court declared that 'neither the notions of permissive society nor the fact that in some countries homosexuality has ceased to be an offence has influenced our thinking'. Ironically, the self-righteous stance echoes the views of the Raj who feared the influence of foreign climes and mores on sexual conduct. Lord Elgin, viceroy of India, warned that British military camps could become 'replicas of Sodom and Gomorrah' as soldiers acquired the 'special Oriental vices'.

Perhaps it was predictable, then, that David Cameron's announcement at last year's Perth CHOGM meeting that Britain would withhold aid from countries that kept sodomy offences on their books would raise hackles. Writing under the headline 'Jamaica must not surrender sovereignty', Shirley Richards of the Lawyers Christian Fellowship lambasted Cameron's 'effrontery'. And less than a month after the British PM's announcement, the Nigerian senate passed a law calling for a 14-year sentence for anyone convicted of homosexuality.

That former colonies will resent preaching and interference from the former imperial master is understandable. They tragedy is that by doing so, they have turned themselves into the feared and hated oppressor for their LGBT citizens.

Bronwen Ewens

The Little Book on Plagiarism

From Craig Thompson and his travel stories, to Jo Biden and his speeches, to the Roman conception of the *plagiarius*: plagiarism has a long and mostly un-adjudicated history. We know it would put an end to our prospective careers, but just what is it?

The Little Book of Plagiarism by Richard Posner develops an understanding of plagiarism as 'fraudulent copying.' It involves the passing off of another's work as one's own, without acknowledgement or attribution. It is distinct from copyright in that its scope is the field of ideas or facts, rather than the *form of the expression* of ideas or facts. It is also largely concerned with reliance – the reader relies upon the plagiarism in a manner they would not do were they to know the true origins of the text. Thus an American judge can (supposedly) pass off the work of his clerk as his own judgment, and nobody care enough to #OccupyTheSeventhCircuit. Because nobody would be surprised to learn of the true author, and that author does not suffer unduly on account of the passing off, what appears at first as patent plagiarism is, at second glance, innocent.

Perhaps not key amongst the failures of the movie *Anonymous*, but a notable absence no less, is reference to Shakespeare's plagiaristic affairs. Posner identifies the opening of *Antony and Cleopatra* as a rather blatant copy of a translation of Plutarch's *Life of Marc Antony*. Compare:

> *"[S]he was layed under a pavilion of cloth of gold of tissue, apparelled and attired like the goddesse Venus"* (Plutarch); with
>
> *"... she did lie / In her pavilion – cloth-of-gold of tissue – / O'erpicturing that Venus..."* (~~The Earl of Oxford~~ Shakespeare).

For what it's worth, I'm told "Those lips that love's own hand did make" was lifted from a brochure at the Stratford-Upon-Avon local pub. Quite unfortunately, Shakespeare was never required to face former Justice Bernard Teague AO and the Board of Examiners.

A critical point in Posner's discussion is that the fulfilment of the fraud and reliance components of plagiarism are susceptible to change in the face of different social norms. Ultimately, that sources of inspiration went unacknowledged and would likely not have been recognised by audiences in Shakespeare's day is of little concern, as at that time "creativity was understood to be improvement rather than originality": audiences did not expect nor rely upon the production of purely original texts.

It would seem the study of law is subject to those same 17th century norms: an incessant reliance upon hierarchical authority penalises originality in its own right, and creativity is rewarded only if understood in the sense of improvement, not so much upon the authority itself as in its application to new situations. What's more, examiners hardly expect essays of pure originality — hence the AGLC.

If unattributed, versified appropriation is good enough for Shakespeare to avoid reproach, as Posner contends it is — "If this is plagiarism, then we need more plagiarism" — then perhaps a path is suggested for us, too:

> Commit to verse the words of others 'round you;
> "Law's lived in life, not bound by logic UHU."
> In verse, all bets are off; and stares of wonder
> Marks aplenty draw to your cheap rhyming plunder.

** The Little Book of Plagiarism (Richard Posner, 2007).*
*** Don't plagiarise. As the* Little Book *says, it's an "embarrassingly second rate" offense, committed by "pathetic, almost ridiculous" people.*

Doug Porteous

L *IS FOR...*

Line-drawing

This is not to be confused with line-dancing – which is awesome – why did none of the DJs at law ball last night play the Nutbush?

What I'm peeved with this week is people drawing principled lines. Where have these lines ever gotten us? Countless denied requests for dessert before dinner, celebrity sex scenes with insufficient nudity and the subject *Dispute Resolution*.

Imagine a world without lines! I mean metaphorically speaking; a world without literal lines would just be like, blobs. But then the blobs wouldn't have lines either so it would just be, like, one thing. The world would just be one unending blob thing.

Anyway, the following is a LIST of lines that should be crossed:

1. Rationing alcoholic drinks to avoid a hangover.
A hangover is a sign of a night well-spent. Statistics show us that middle-aged people with severe liver damage are more likely to either, a) have led a cooler life and/or, b) suffer alcoholism. So I rest my case.

2. Only discussing law school-related topics because you don't really know the person.
Small talk is bad, law small talk, or lawsmalltalk as I like to call it, is worse. My opinion (which carries significant weight because a student-run paper now publishes it once a week), is if two people are washing their hands at a unisex-sanitary-zone then it's socially acceptable to ask them about how they feel about unisex-sanitary-zones; it's how I make my friends.

3. Going home early so you can make it to class at 9am.
The only circumstance in which it's acceptable to show up to class after law ball is if you do a post-Logies Karl Stefanovic: arrive sloshed and make inappropriate sexual advances on your colleagues. If you're going to class and benefiting from the experience, it means you haven't crossed line one, and are thus deemed a "loser" under the premise of this column. Yeah, pretty serious stuff. About as serious as a stern-looking cat wearing a bow tie. A polka-dot bow tie.

4. Not arguing with bouncers.

The debacle of the 2012 law ball was Eve bouncers turning students away. The line here seems to be not arguing with a figure of authority, but in this instance you always argue! Not only is it funny for onlookers, but you've got to fight for your right to karate! God I love the Beefie Boys.

5. Not hooking up because you go to Uni with the person.

I seek world domination through raising a super-race of lawyer babies. Don't f**k with my plan.

Charles Hopkins is doing Like a Version *for Triple J this Friday. Without giving anything away, he's doing a cover*

ALUMNI INTERVIEWS: COULD THIS BE YOU IN 5 YEARS?

Rudi Kruse

Profile
Name: Rudi Kruse
Firm: Minter Ellison
Graduating year: 2011
Degree: JD

Prior to studying law, Rudi completed a Science/Arts degree in psychology and philosophy. Rudi's choice not to study law at an undergraduate level was that law "was completely off my radar" and he was more interested in becoming a psychologist, which, with study, he discovered was not exactly what he wanted to do. Going into the post-law degree world, Rudi is able to apply the different perspectives he gained in studying non-law subjects to his work on a daily basis. It is also one of the things that he promotes as a positive aspect of JD students studying law even if it wasn't always their life's ambitions.

The drawback to not having law as your life's ambition and pursuing the JD is that there is "quite a lot of pressure" and a condensed time available to engage in law-related work outside of your coursework. Rudi challenged himself with extra-curricular activities of first competing in and then coaching the WTO Moot, a constitutional law moot, and being the first non-LLB MULR editor. He balanced these activities with his core course requirements by taking 3 courses per semester in his later years and turning many of his extra-curricular activities into courses provided by the law school, as well as extending his WTO researching into part of his research project.

Working at Minters

Rudi snagged a clerkship at Minters. He informed me that even in his year there was not a huge amount of success for applicants to clerkships. Rudi clearly has some techniques he uses in an interview, which many the savvy law student can apply, include "promoting your different background" and "promoting writing and research skills gained especially in the Melbourne degree where you *have* to write essays at some point, rather than just exam writing".

As Rudi noted "once you get a clerkship you're on your way into the commercial world". And Rudi is in that world now, completing the final rotation in three six-month rotations. Rudi's first rotation in Commercial Disputes (aka litigation) is his favourite, allowing him to do "'real' law in a commercial environment". Commercial Disputes is also most similar to his favourite pursuits in law school, "research, always pushing the law to its limit". The other two rotations were competition and regulatory law, and, currently, taxation law.

One of things Rudi likes about working at Minters is that he works in a diverse practice group. He distinguishes this from some other firms where you work in an area of law, but "you're attached to a partner". Working for a whole practice group is nice because you get to work with a greater variety of people, both partners and peers.

Another great thing about Minters, which Alumni Paula O'Brian and Arlen Duke have also mentioned, is their flexibility in working hours. Rudi has a 12+ month-old daughter and Minters has been great for "having excellent hours and providing support with the family" including allowing him to leave at 5:30 almost every day, and offering him the option of working 4 days a week.

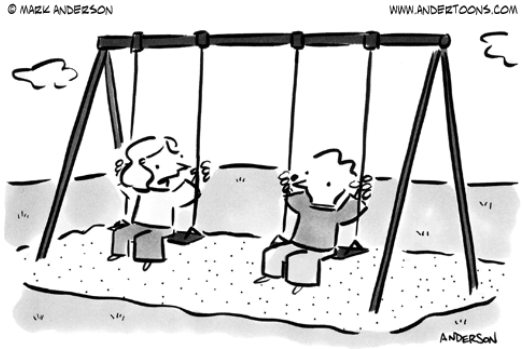
That being said, Rudi's not a slacker. "I work hard when I'm here," he says. Emphasising that for him, the technique he uses is "to present yourself through your work". The bottom line is that good work gets recognised.

The most challenging thing about working at Minters is "being a junior, junior in a large firm". In other words, there is always someone more senior than you and, when there is "crap work", more often than not, it falls on you. But Rudi nevertheless emphasises that he feels Minters is well organised in this respect and that, on the whole, he has been given real work, and interesting work, from day one.

In another 5 years, where will you be?

Rudi definitely has a stance of flexibility in his approach to progressing through his career. He considers the opportunities that arise through the lens of his family life. He successfully applied for a High Court Associate position for 2013. Originally this position was going to take him and his family to Canberra, but circumstances arose that meant his daughter and his wife, who is completing a degree in Medicine at Melbourne Uni, could not join him. Fortunately after describing the circumstance and receiving some the best advice he's ever received (that, "However important the work you are doing, your family is always more important"), he received an offer to work at the High Court based out of Melbourne, starting in 2014. It is at that point that I learned that High Court Justices have two Associates, generally with one who stays in Canberra, and one who stays at the Justice's home chambers and travels to Canberra when the court is sitting.

Emma Shortt



"I want to be a lawyer - they still get recess."

THIS WEEK IN LEGAL HISTORY

April 19, 1967 - The Beatles sign 10-year Partnership Deed

On April 19, 1967, The Beatles - John, Paul, George and Ringo - signed a partnership deed agreement to continue the group for a further 10 years. Prior to this time, the Fab Four had been partners-at-will, meaning their agreement could be terminated whenever they wanted. The bandmates decided to take the plunge and entered not only into formal legal partnership with each other, but also with Apple Corps Ltd, a company who bought into the partnership (at a whopping £800,000) with an 80% interest in the partnership profits and a right to manage the business side of the partnership.

Unfortunately, Apple mismanaged profits and began to lose money rapidly. In early 1969, John Lennon had apparently begun telling friends that if things were going to continue this way, the Beatles would be broke within six months. By 1970, obvious tensions had arisen between the bandmates, particularly as to the financial state of their band and the tactics employed by their relatively new band manager, Allen Klein, whom Paul McCartney disliked. This would eventually lead Paul to file an action against his bandmates and manager for breach of agreement, and seek a declaration of dissolution of partnership. In his writ, he asked the High Court of Justice, Chancery Division, for appointment of a receiver to take control of all property and interests in which the Beatles were involved, as well as an account of the band's financial position.

For more details of the lawsuit and a legal analysis of his counsel's arguments, head to http://abbeyrd.best.vwh.net/paullawsuit.html.

Annie Zheng

PROCRASTINATION STATION

Quiz: Test your knowledge!

1. Henry VIII (of England) had six wives, they shared three first names - what were they
2. What was Britney Spears' debut album called?
3. The Australian Constitution is found in which clause of the 'Commonwealth of Australia Constitution Act'?
4. Which of the Seven Wonders of the Ancient World still remains enact today?
5. In which Melbourne suburb is Carlton Draught brewed?
6. What does 'caveat emptor' translate as?
7. Which is the world's largest continent?
8. Which novel opens with the line: "It is a truth universally acknowledged that a single man in possession of a good fortune must be in want of a wife."
9. What is the official language in Australia?
10. Which was Napoleon's last battle? (Bonus point for the year).

ANSWERS: 1. Catherine x 3, Jane x1, Anne x 2; 2. Baby one more time; 3. Clause 9; 4. The Pyramid of Giza; 5. Abbotsford; 6. 'Let the buyer beware'; 7. Asia; 8. Pride and Prejudice, Jane Austen; 9. None; 10. The Battle of Waterloo, 1815

Sudoku

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				3		4		
	7				2	8		5
		8				3		
4		2	8				9	
		7		2				
		9			1		4	
8			7	6			1	